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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,413	09/20/2000	Koichi Sato	P19601	8542

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EXAMINER
SELBY, GEVELL V

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4)☐ Interview Summary (PTO-413) Paper No(s). _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   **Claims 1 - 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Taniguchi**

et al., US 6,549,232.

In regard to claim 1, Taniguchi et al., US 6,549,232, discloses a photographing operation

control device for an electronic still camera (see figure 2), comprising:

a buffer memory (see figure 2, element 40) in which an image data obtained

through a photographing optical system is temporarily stored; and

a blank photographing operation performing processor (see figure 2, element 300

that performs a photographing operation in a blank photographing mode in which said

image data is stored only in said buffer memory.

Taniguchi et al., US 6,549,232, teaches that there are still cameras well known in

the art that include, "in addition to a removable record medium such as an IC card, an

internal memory so that picture images can be recorded even if a record medium such as

an IC card is not loaded in the camera (see column 1, lines 37-41)."

In regard to claim 2, Taniguchi et al., US 6,549,232, discloses a device according to claim 1, further comprising a photographing mode selecting processor (detecting means) that sets said blank photographing mode (see column 1, lines 36-41).

The detecting means sets the blank photographing mode to prevent the transfer means from trying to write to an external memory that is not there.

In regard to claim 3, Taniguchi et al., US 6,549,232, discloses a device according to claim 2, wherein said photographing mode selecting processor (detecting means) comprises a photographing mode set switch (see figure 2, element S10), by which said blank photographing mode is set, and which is provided in a camera body of said electronic still camera.

The detecting means sets the blank photographing mode to prevent the transfer means from trying to write to an external memory when the switch is open signaling there is no external memory.

In regard to claim 4, Taniguchi et al., US 6,549,232, discloses a device according to claim 1, further comprising a recording medium sensing processor (detecting means) that senses whether a recording medium is mounted, said blank photographing operation performing processor performing a photographing operation in said blank photographing mode when said recording medium sensing processor senses that said recording medium is not mounted (see column 1, lines 36-41).

In regard to claim 5, Taniguchi et al., US 6,549,232, discloses a device according to claim 1, further comprising a blank recording area sensing processor (controlling means) that senses whether a blank recording area exists in a recording medium, said

blank photographing operation performing processor (detecting means) performing said

photographing operation in said blank photographing mode when said blank recording

area sensing processor senses that said recording medium has no blank recording area

(see column 2, lines 10-12).

The controlling means only allows the image data to be written to memory when

there is available space and the detecting means must stay in blank photographing mode,

not writing to external memory.

In regard to claim 6, Taniguchi et al., US 6,549,232, discloses a device according

to claim 1, further comprising a recording medium sensing processor (detecting means;

see column 3, lines 38-40) that senses whether a recording medium is mounted, a blank

recording area sensing processor (controlling means; see column 2, lines 10-12) that

senses whether a blank recording area exists in said recording medium, a normal

photographing operation performing processor (detecting means; see column 3, lines 38-

40) that performs a photographing operation in a normal photographing mode in which,

after storing said image data in said buffer memory (see column 3, lines 25-31), said

image data is read from said buffer memory and recorded in said recording medium (see

column 3, lines 40-46), and a photographing mode selecting processor that selects one of

said blank photographing mode (no external memory loaded) and said normal

photographing mode (external memory loaded), said photographing mode selecting

processor being able to select said blank photographing mode when said recording

medium sensing processor and said blank recording area sensing processor sense that a

recording medium having a blank recording area is installed in said device(see column 3, lines 25-46).

In regard to claim 7, Taniguchi et al., US 6,549,232, discloses a device according to claim 1, further comprising an image data transfer processor (transfer controlling means) that transfers said image data stored in said buffer to a recording medium (see column 3, lines 40-46).

In regard to claim 8, Taniguchi et al., US 6,549,232, discloses a device according to claim 7, further comprising a normal photographing operation performing processor (detecting means; see column 3, lines 38-40) that performs a photographing operation in a normal photographing mode in which, after storing said image data in said buffer memory (see column 3, lines 25 - 31), reads said image data from said buffer memory, and records said image data in said recording medium, said image data transfer processor transfers said image data to said recording medium when said normal photographing mode is set (see column 3- lines 40-46).

In regard to claim 9, Taniguchi et al., US 6,549,232, discloses a device according to claim 1, further comprising a mode informing processor (detecting means) that informs that said blank photographing mode is set.

The detecting means sets the blank photographing mode to prevent the transfer means from trying to write to an external memory that is not there.

In regard to claim 10, Taniguchi et al., US 6,549,232, discloses a device according to claim 1, further comprising a recording medium sensing processor (detecting means) that senses whether a recording medium is mounted and a

non-mounting condition informing processor that informs that said recording medium is not mounted (see column 3, lines 38-40).

In regard to claim 11, Taniguchi et al., US 6,549,232, discloses a device according to claim 1, further comprising a blank recording area sensing processor (controlling means) that senses whether a blank recording area exists in a recording medium and a non-existing condition informing processor that informs that said recording medium has no blank recording area (see col. 2, lines 10-12).

The controlling means marks any image that cannot be written over in memory and any image or space not marked is considered blank.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art discloses electronic cameras with internal and external memory:

Fellegara et al., US 2001/0015760,

Wong et al, US 2003/0058355.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on 703-308-6613. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.
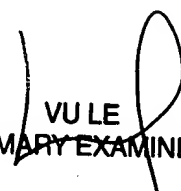
Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-4700.

gvs

VU LE
PRIMARY EXAMINER